

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2693

IN THE MATTER OF:

Served April 5, 1985

Application of Dav-El of Washington,)  
D.C., Inc., for a Certificate of )  
Public Convenience and Necessity to )  
Conduct Charter Operations between )  
Points in the Metropolitan District )

Case No. AP-85-14

By application filed March 26, 1985, Dav-El of Washington, D.C., Inc., ("Dav-El" or "applicant") seeks authority to conduct charter operations, transporting passengers and baggage in the same vehicle with passengers, over irregular routes, between points in the Metropolitan District. \*/

Dav-El currently operates a limousine service within the Washington metropolitan area. The proposed service would be conducted in 15-passenger vans. Applicant asserts that it is financially able to purchase as many vehicles of this size as required by the public convenience and necessity.

Applicant proposes to restrict operations to vehicles with a manufacturer's designed seating capacity of 15-passengers or less, including the driver, and against transportation described in Commission Regulation No. 70-01. The tariff provides for a rate of \$36 an hour or \$1.40 a mile, whichever is greater. The minimum charge is three hours per vehicle exclusive of tolls, parking charges, taxes, or any other "special charges associated with the service being rendered". Time is billed in 15-minute intervals beginning at the time a vehicle leaves the garage in Washington, D.C., and ending when it returns there after completion of the job. The minimum charge of three hours would be applied to each vehicle ordered but not used and to any service cancelled on less than 24-hours notice.

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\*/ As the application recognizes, the Commission's jurisdiction does not extend to transportation between points located solely within the Commonwealth of Virginia. To the extent this application could be interpreted to include such transportation, it is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

With its application Dav-El submitted financial data for fiscal years 1982 and 1983. Applicant indicated that it would submit financial information for fiscal year 1984 in early April. Such current financial information is essential to a determination of financial fitness. Dav-El also submitted a projected revenue and revenue deductions statement covering the first 12-months of operation for one van and indicating revenues of \$15,000 with concomitant deductions of \$10,424 resulting in an operating ratio of .70.

Title II, Article XII, Section 4(b), of the Compact requires that this matter be set for public hearing. Dav-El will be assessed a sum estimated to cover the expenses which Title II, Article XII, Section 19(a) of the Compact requires an applicant to bear.

THEREFORE, IT IS ORDERED:

1. That Case No. AP-85-14, is hereby scheduled for public hearing to commence Thursday, May 9, 1985, at 9:30 a.m., in the Hearing Room of the Commission, 1625 I Street, N.W., Room 314, Washington, D.C. 20006, and to continue from day to day thereafter until concluded.

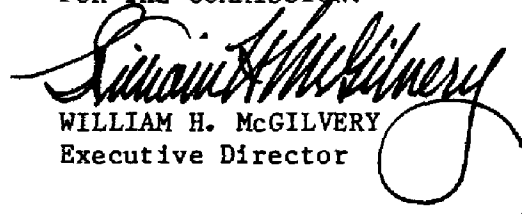
2. That applicant publish once in a newspaper of general circulation in the Metropolitan District notice of this application and hearing in the form prescribed by the staff of the Commission, no later than Friday, April 12, 1985, and present at the hearing an affidavit of said publication.

3. That any person desiring to protest the application shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than Monday, April 29, 1985, and shall simultaneously serve a copy of such protest or notice on counsel for applicant, Jeffrey L. Berger, Esquire, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

4. That applicant is hereby assessed \$700 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission, 1625 I Street, N.W., Suite 316, Washington, D.C. 20006, no later than Monday, April 29, 1985.

5. That unless financial information for fiscal year 1984 is received by Monday, April 29, 1985, the public hearing scheduled herein shall be cancelled pending further order of the Commission.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director